

# House File 559 - Introduced

HOUSE FILE \_\_\_\_\_  
BY GAYMAN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the issuance of permits to carry weapons,  
2 providing for an appeal process, and providing an effective  
3 date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2481HH 83  
6 rh/rj/5

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1 1 Section 1. Section 229.24, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. ~~All~~ Except as otherwise provided in this section, all  
1 4 papers and records pertaining to any involuntary  
1 5 hospitalization or application for involuntary hospitalization  
1 6 of any person under this chapter, whether part of the  
1 7 permanent record of the court or of a file in the department  
1 8 of human services, are subject to inspection only upon an  
1 9 order of the court for good cause shown. ~~Nothing in this~~ This  
1 10 section shall not prohibit a hospital from complying with the  
1 11 requirements of this chapter and of chapter 230 relative to  
1 12 financial responsibility for the cost of care and treatment  
1 13 provided a patient in that hospital, ~~nor~~ or from properly  
1 14 billing any responsible relative or third-party payer for such  
1 15 care and treatment.  
1 16 Sec. 2. Section 229.24, Code 2009, is amended by adding  
1 17 the following new subsection:  
1 18 NEW SUBSECTION. 4. The clerk of the district court shall  
1 19 provide to the department of public safety notice of all  
1 20 adjudications of persons involuntarily committed to a mental  
1 21 institution for inpatient or outpatient or other appropriate  
1 22 treatment by reason of serious mental impairment under this  
1 23 chapter. Such notice shall only be used by the department to  
1 24 submit information to the national instant criminal background  
1 25 system maintained by the federal bureau of investigation and  
1 26 shall otherwise remain confidential.  
1 27 Sec. 3. Section 724.7, Code 2009, is amended to read as  
1 28 follows:  
1 29 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.  
1 30 ~~Any person who can reasonably justify going armed may be~~  
1 31 ~~issued a nonprofessional permit to carry weapons. A~~  
1 32 ~~nonprofessional permit to carry weapons shall be issued by the~~  
1 33 ~~issuing officer who shall, before issuing the permit,~~  
1 34 ~~determine that the requirements of sections 724.8 through~~  
1 35 ~~724.10 have been met. Such permits shall be on a form~~  
2 1 ~~prescribed and published by the commissioner of public safety,~~  
2 2 ~~which shall be readily distinguishable from the professional~~  
2 3 ~~permit, and shall identify the holder thereof, and state the~~  
2 4 ~~reason for the issuance of the permit, and the limits of the~~  
2 5 ~~authority granted by such permit. All permits so issued shall~~  
2 6 ~~be for a definite period as established by the issuing~~  
2 7 ~~officer, but in no event shall exceed a period of twelve~~  
2 8 ~~months one year. The issuing officer shall not have any~~  
2 9 ~~authority to place limits of use or any other restrictions on~~  
2 10 ~~such permit.~~  
2 11 Sec. 4. Section 724.8, Code 2009, is amended to read as  
2 12 follows:  
2 13 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.  
2 14 ~~No~~ A person shall ~~not~~ be issued a professional or  
2 15 nonprofessional permit to carry weapons unless:  
2 16 1. The person is eighteen years of age or older for a  
2 17 professional permit or twenty-one years or older for a  
2 18 nonprofessional permit.  
2 19 2. The person has never been convicted of a felony.

2 20 3. The person is not addicted to the use of alcohol or any  
2 21 controlled substance.  
2 22 4. The person has no history of repeated acts of violence.  
2 23 5. The issuing officer reasonably determines that the  
2 24 applicant does not constitute a danger to any person.  
2 25 6. The person has never been convicted of any crime  
2 26 defined in chapter 708, ~~except "assault" as defined in section~~  
2 27 ~~708.1 and "harassment" as defined in section 708.7.~~  
2 28 7. The person has not been committed to a mental  
2 29 institution for purposes of 18 U.S.C. } 922(g)(4).  
2 30 8. The person is not subject to a protective order  
2 31 pursuant to 18 U.S.C. } 922(g)(8) and has not been convicted  
2 32 of a misdemeanor crime of domestic violence pursuant to 18  
2 33 U.S.C. } 922(g)(9). It is the intent of the general assembly  
2 34 that violations of these federal laws be strictly enforced in  
2 35 the courts of this state.  
3 1 Sec. 5. Section 724.9, Code 2009, is amended to read as  
3 2 follows:  
3 3 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.  
3 4 A training program to qualify persons in the safe use of  
3 5 firearms shall be provided by the issuing officer of permits,  
3 6 as provided in section 724.11.  
3 7 1. The commissioner of public safety shall establish  
3 8 minimum standards for a training program designed to qualify  
3 9 persons in the safe use of firearms and shall include a course  
3 10 of instruction designed to qualify a person on a firing range.  
3 11 The course of instruction shall be limited to a maximum of six  
3 12 hours in length. The course of instruction shall include all  
3 13 of the following:  
3 14 a. Firearms safety in the classroom, at home, on the  
3 15 firing range, and while carrying the firearm.  
3 16 b. A physical demonstration performed by the applicant  
3 17 that demonstrates the applicant's ability to safely load and  
3 18 unload a revolver or a semiautomatic pistol and the  
3 19 applicant's marksmanship.  
3 20 c. The basic principles of marksmanship.  
3 21 d. The law relating to firearms pursuant to this chapter.  
3 22 e. The law relating to the justifiable use of force  
3 23 pursuant to chapter 704.  
3 24 f. A live fire shooting test administered to an applicant  
3 25 pursuant to section 724.9A.  
3 26 2. The commissioner of public safety shall approve the  
3 27 training program, and the county sheriff or the commissioner  
3 28 of public safety conducting the training program within their  
3 29 respective jurisdictions may contract with a private  
3 30 organization or use the services of other agencies, or may use  
3 31 a combination of the two, to provide ~~such a~~ training program  
3 32 that meets the standards specified in subsection 1. Any  
3 33 person eligible to be issued a permit to carry weapons may  
3 34 enroll in such course. A fee sufficient to cover the cost of  
3 35 the program may be charged to each person attending.  
4 1 Certificates of completion, on a form prescribed and published  
4 2 by the commissioner of public safety, shall be issued by a  
4 3 qualified firearms safety instructor subject to the  
4 4 restrictions of section 724.9B to each person who successfully  
4 5 completes the program. ~~No~~ A person shall not be issued either  
4 6 a professional or nonprofessional permit unless the person has  
4 7 received a certificate of completion or is a certified peace  
4 8 officer. ~~No~~ A peace officer or correctional officer, except a  
4 9 certified peace officer, shall not go armed with a pistol or  
4 10 revolver unless the officer has received a certificate of  
4 11 completion, provided that this requirement shall not apply to  
4 12 persons who are employed in this state as peace officers on  
4 13 January 1, 1978 until July 1, 1978, or to peace officers of  
4 14 other jurisdictions exercising their legal duties within this  
4 15 state.  
4 16 Sec. 6. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.  
4 17 1. A live fire shooting test shall be administered in the  
4 18 presence of a firearms safety instructor qualified under  
4 19 section 724.9C to an applicant for a nonprofessional permit to  
4 20 carry weapons. The live fire shooting test shall consist of  
4 21 thirty rounds fired from a standing position or its equivalent  
4 22 at a distance from a B=27 silhouette target or an FBI "Q"  
4 23 target, ten rounds fired from a distance of five yards, ten  
4 24 rounds fired from a distance of seven yards, and ten rounds  
4 25 fired from a distance of ten yards. Two sets of five rounds  
4 26 shall be fired consecutively at each designated distance and  
4 27 each five-round string shall be fired within thirty seconds.  
4 28 Twenty-one of the rounds fired must strike either the  
4 29 eight-ring on the B=27 target or the smallest FBI "Q" target  
4 30 to pass the live fire shooting test.

4 31 2. An applicant for a nonprofessional permit to carry  
4 32 weapons may attempt to pass the live fire shooting test  
4 33 administered pursuant to subsection 1 up to three times in one  
4 34 day but must pass the shooting test within four weeks of  
4 35 completing a firearms training program pursuant to section  
5 1 724.9. An applicant who fails the live fire shooting test  
5 2 within the requisite four-week period shall be required to  
5 3 retake the firearms training program prior to again attempting  
5 4 to pass the live fire shooting test.

5 5 3. The provisions of this section shall be implemented  
5 6 uniformly throughout the state and shall constitute the  
5 7 statewide standard for the course of instruction qualifying a  
5 8 person to shoot on a firing range pursuant to section 724.9.

5 9 Sec. 7. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.

5 10 A qualified firearms safety instructor shall not issue a  
5 11 certificate of completion to an applicant for a permit to  
5 12 carry weapons who does any of the following:

5 13 1. Fails to demonstrate the requisite knowledge and  
5 14 technique regarding the proper handling of a firearm.

5 15 2. Handles a firearm in a manner that, in the judgment of  
5 16 the qualified firearms safety instructor, poses a danger to  
5 17 the applicant or others.

5 18 3. Fails the live fire shooting test pursuant to the  
5 19 requirements specified in section 724.9A.

5 20 Sec. 8. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY  
5 21 INSTRUCTOR.

5 22 A firearms safety instructor shall be considered to be a  
5 23 qualified firearms safety instructor if the instructor has any  
5 24 of the following qualifications:

5 25 1. Is certified by the national rifle association as an  
5 26 instructor in any course that provides basic instruction in  
5 27 pistol marksmanship or in the use of pistols or revolvers for  
5 28 personal protection.

5 29 2. Submits a photocopy of a certificate of completion of a  
5 30 firearms safety instructor course offered by a local, state,  
5 31 or federal governmental agency and approved by the department  
5 32 of public safety.

5 33 3. Submits a photocopy of a certificate of completion of a  
5 34 firearms safety instructor course approved by the department  
5 35 of public safety.

6 1 4. Has successfully completed a firearms safety instructor  
6 2 course given by or under the supervision of any state, county,  
6 3 municipal, or federal law enforcement agency.

6 4 5. Is a certified police officer firearms safety  
6 5 instructor.

6 6 6. Is a certified law enforcement academy firearms safety  
6 7 instructor.

6 8 Sec. 9. Section 724.11, Code 2009, is amended to read as  
6 9 follows:

6 10 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

6 11 1. Applications for permits to carry weapons shall be made  
6 12 to the sheriff of the county in which the applicant resides.

6 13 Applications from persons who are nonresidents of the state,  
6 14 or whose need to go armed arises out of employment by the

6 15 state, shall be made to the commissioner of public safety. In  
6 16 either case, ~~the issuance of the permit shall be issued by and~~

~~6 17 at the discretion of the sheriff or commissioner, who shall,~~  
6 18 before issuing the permit, determine that the requirements of

6 19 sections 724.6 to 724.10 have been satisfied. However, the  
6 20 training program requirements in section 724.9 may shall be

6 21 waived for renewal permits. If the sheriff or the  
6 22 commissioner denies an application for a permit under this

6 23 section, the sheriff or commissioner shall provide a written  
6 24 statement of the reasons for the denial to the applicant by

6 25 certified mail within fifteen working days of the filing of  
6 26 the application.

6 27 2. The issuing officer shall collect a fee of ten dollars,  
6 28 except from a duly appointed peace officer or correctional  
6 29 officer, for each permit issued. Renewal permits or duplicate  
6 30 permits shall be issued for a fee of five dollars. The  
6 31 issuing officer shall notify the commissioner of public safety  
6 32 of the issuance of any permit at least monthly and forward to  
6 33 the commissioner an amount equal to two dollars for each  
6 34 permit issued and one dollar for each renewal or duplicate  
6 35 permit issued. All such fees received by the commissioner

7 1 shall be paid to the treasurer of state and deposited in the  
7 2 operating account of the department of public safety to offset  
7 3 the cost of administering this chapter. Any unspent balance  
7 4 as of June 30 of each year shall revert to the general fund as  
7 5 provided by section 8.33.

7 6 Sec. 10. NEW SECTION. 724.11A RECOGNITION OF

7 7 OUT-OF=STATE PERMITS TO CARRY.

7 8 A person possessing a valid permit to carry a weapon issued  
7 9 by another state shall be entitled to the privileges and  
7 10 subject to the restrictions prescribed in this chapter.

7 11 Sec. 11. NEW SECTION. 724.14 IMMUNITY.

7 12 The sheriff or the commissioner of public safety shall not  
7 13 be liable for damages in any civil action arising from the  
7 14 alleged wrongful issuance, renewal, or failure to revoke a  
7 15 permit to carry weapons provided that the sheriff or the  
7 16 commissioner acted reasonably and in good faith and in  
7 17 accordance with the provisions of this chapter in carrying out  
7 18 the sheriff's or the commissioner's official duties.

7 19 Sec. 12. NEW SECTION. 724.21A HEARING ON DENIAL OF  
7 20 PERMIT TO CARRY WEAPONS.

7 21 1. In any case where the sheriff or the commissioner of  
7 22 public safety denies an application for a permit to carry  
7 23 weapons, the denied applicant shall have the right to appeal  
7 24 the denial to an administrative law judge in the department of  
7 25 inspections and appeals within thirty days of receiving  
7 26 written notice of the denial.

7 27 2. A denial of an application for a permit to carry  
7 28 weapons may be appealed by filing with an administrative law  
7 29 judge a copy of the denial and a written statement that  
7 30 clearly states the applicant's reasons rebutting the denial  
7 31 along with a fee of ten dollars. Additional information which  
7 32 may be pertinent to the applicant's request for a permit  
7 33 should also be included.

7 34 3. The administrative law judge shall grant an aggrieved  
7 35 applicant an opportunity to be heard within forty=five days of  
8 1 receipt of a request for an appeal. The hearing may be held  
8 2 by telephone conference at the discretion of the  
8 3 administrative law judge.

8 4 4. After the hearing, the administrative law judge shall  
8 5 order that the denial of the application be either rescinded  
8 6 or sustained. An applicant aggrieved by the final judgment of  
8 7 the administrative law judge sustaining the denial shall have  
8 8 the right to judicial review in accordance with the terms of  
8 9 the Iowa administrative procedure Act, chapter 17A.

8 10 Sec. 13. EFFECTIVE DATE. The sections of this Act  
8 11 amending section 229.24 take effect January 1, 2010.

8 12 EXPLANATION

8 13 This bill relates to the issuance of weapons permits.

8 14 The bill requires the clerk of the district court to  
8 15 provide to the department of public safety notice of all  
8 16 adjudications of persons involuntarily committed to a mental  
8 17 institution for inpatient or outpatient or other appropriate  
8 18 treatment by reasons of serious mental impairment under Code  
8 19 chapter 229. This notice shall only be used by the department  
8 20 of public safety to submit information to the national instant  
8 21 criminal background system maintained by the federal bureau of  
8 22 investigation and shall otherwise remain confidential. This  
8 23 provision of the bill takes effect January 1, 2010.

8 24 The bill provides that a person who is at least 21 and who  
8 25 meets additional eligibility requirements shall be issued a  
8 26 nonprofessional permit to carry weapons. The issuing officer  
8 27 shall not have any authority to place limits of use or any of  
8 28 the restrictions on such permit. The bill provides that  
8 29 persons who have been committed to a mental institution under  
8 30 federal law or persons who are subject to protective orders or  
8 31 who have been convicted of a misdemeanor crime of domestic  
8 32 violence under federal law are all ineligible for a permit to  
8 33 carry weapons.

8 34 The bill amends current law relating to a firearms training  
8 35 program. The bill requires the commissioner of public safety  
9 1 to establish minimum firearms safety standards. The bill  
9 2 specifies that the commissioner shall establish certain  
9 3 training standards relating to the qualifications of persons  
9 4 in the safe use of firearms. The bill further provides a  
9 5 statewide standard designed to qualify an applicant for a  
9 6 nonprofessional permit to carry weapons to shoot on a firing  
9 7 range.

9 8 The bill provides that a qualified firearms safety  
9 9 instructor shall issue a certificate of completion to a person  
9 10 who successfully completes the training program, including the  
9 11 completion of the requirements relating to live fire  
9 12 ammunition testing on a firing range. The bill specifically  
9 13 provides that a person who does not demonstrate proper firearm  
9 14 handling, who handles a firearm in a manner that poses a  
9 15 danger to the applicant or others, or who fails to pass the  
9 16 live fire testing portion of the training program shall not be  
9 17 issued a certificate of completion. An applicant for a permit

9 18 to carry weapons shall not be issued a permit to carry weapons  
9 19 unless the applicant has received a certificate of completion  
9 20 or is a certified peace officer.  
9 21 The bill defines a qualified firearms safety instructor as  
9 22 a person who meets any of the following qualifications:  
9 23 1. Is certified by the national rifle association as an  
9 24 instructor in any course that provides basic instruction in  
9 25 pistol marksmanship or in the use of pistols or revolvers for  
9 26 personal protection.  
9 27 2. Submits a photocopy of a certificate of completion of a  
9 28 firearms safety instructor course offered by a local, state,  
9 29 or federal governmental agency and approved by the department  
9 30 of public safety.  
9 31 3. Submits a photocopy of a certificate of completion of a  
9 32 firearms safety instructor course approved by the department  
9 33 of public safety.  
9 34 4. Has successfully completed a firearms safety instructor  
9 35 course given by or under the supervision of any state, county,  
10 1 municipal, or federal law enforcement agency.  
10 2 5. Is a certified police officer firearms safety  
10 3 instructor.  
10 4 6. Is a certified law enforcement academy firearms safety  
10 5 instructor.  
10 6 The bill provides that if the sheriff or commissioner  
10 7 denies an application for a concealed weapons permit, the  
10 8 sheriff or commissioner shall provide a written statement of  
10 9 the reasons for the denial.  
10 10 The bill provides that a person possessing a valid  
10 11 out-of-state permit to carry a weapon shall be entitled to the  
10 12 privileges and subject to the restrictions prescribed in Code  
10 13 chapter 724.  
10 14 The bill provides that the sheriff or the commissioner of  
10 15 public safety shall not be liable for damages in any civil  
10 16 action arising from the alleged wrongful issuance, renewal, or  
10 17 failure to revoke a permit to carry weapons provided that the  
10 18 sheriff or the commissioner acted reasonably and in good faith  
10 19 and in accordance with provisions of Code chapter 724 in  
10 20 carrying out the sheriff's or the commissioner's official  
10 21 duties.  
10 22 The bill provides an administrative review procedure for an  
10 23 applicant who has been denied a permit to carry weapons. The  
10 24 denied applicant may file an appeal of the denial to an  
10 25 administrative law judge in the department of inspections and  
10 26 appeals within 30 days of receiving written notice of the  
10 27 denial. The applicant must then file a copy of the denial and  
10 28 a written statement that clearly states the applicant's  
10 29 reasons rebutting the denial along with a fee of \$10. An  
10 30 applicant aggrieved by the final judgment of the  
10 31 administrative law judge sustaining a denial of a permit shall  
10 32 have the right to judicial review in accordance with the terms  
10 33 of the Iowa administrative procedure Act, Code chapter 17A.  
10 34 LSB 2481HH 83  
10 35 rh/rj/5